

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No.: 3:11-cv-00597-FDW-DCK**

**THE FAIRPOINT COMMUNICATIONS,
INC. *ET AL.*, LITIGATION TRUST,**

Plaintiff,

v.

**VERIZON COMMUNICATIONS, INC.,
NYNEX CORPORATION, VERIZON NEW
ENGLAND, INC., AND VERIZON
INFORMATION TECHNOLOGIES, L.L.C.,**

Defendants.

MOTION TO DISMISS SECOND AMENDED COMPLAINT

Defendants Verizon Communications Inc., NYNEX LLC (improperly named in the Second Amended Complaint as NYNEX Corporation), Verizon New England Inc., and Verizon Information Technologies, L.L.C. respectfully move the Court to dismiss Count I of the Second Amended Complaint (Docket No. 68; the “SAC”), in part, and Count II of the SAC in its entirety; and to strike Plaintiff’s claim for punitive damages.

The reasons supporting this motion are explained in detail in the supporting memorandum filed contemporaneously herewith.

Dated: July 16, 2012
Charlotte, North Carolina

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed today using the Court's CM/ECF system which will electronically notify the following counsel of record:

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This 16th day of July, 2012.

s/ Robert E. Harrington
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